

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

Decapolis Systems, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:21-cv-01253-ADA
	)	
Wise Health Services,	)	
	)	
Defendant.	)	
	)	
	)	

**DEFENDANT WISE HEALTH SERVICES’  
UNOPPOSED MOTION FOR LEAVE TO FILE REPLY BRIEF**

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Defendant Wise Health Services (“Wise Health”) respectfully submits this Motion for Leave to File its Reply Brief in Support of its Motion to Dismiss (“Reply”).

On April 11, 2022, Wise Health filed its Motion to Dismiss Plaintiff Decapolis Systems LLC’s (“Decapolis”) First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) for Failure to State a Claim (“Motion to Dismiss”). (Dkt. No. 22.) Decapolis did not respond by its April 25, 2022 deadline. Therefore, on May 4, 2022, Wise Health filed a notice informing the Court that its Motion to Dismiss may be granted as unopposed in accordance with Local Rule CV-7(d)(2). (Dkt. No. 27.) Later that same day, Decapolis moved for leave to file a responsive brief and attached its Opposition to Motion to Dismiss (“Response”). (Dkt. Nos. 28, 28-1.) On June 9, 2022, the Court granted Decapolis’s Motion for Leave and deemed Decapolis’s Response filed on May 4, 2022.

Pursuant to Local Rule CV-7(E)(2), a reply in support of a motion “shall be filed not later than 7 days after the filing of the response to the motion.” Wise Health believes the filing of its Reply within 7 days from the Court’s June 9, 2022 Order is timely. However, in an abundance of caution—because the Court deemed Decapolis’s Response filed on May 4, 2022—Wise Health submits this Motion for Leave to File Reply Brief within 7 days of the Court’s June 9, 2022 Order,

up to and including June 16, 2022. To the extent Wise Health's Reply is untimely because Decapolis' Response was deemed filed, Wise Health respectfully requests that this Court grant Wise Health leave to file its Reply.

Pursuant to Local Rule CV-7(G), on June 16, 2022, Wise Health's counsel contacted Decapolis's counsel regarding whether Decapolis opposed the relief sought in this Motion. Decapolis does not oppose the relief sought in this Motion.

Dated: June 16, 2022

Respectfully Submitted,

/s/ B. Russell Horton

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 16, 2022, a true and correct copy of the foregoing document was filed electronically with the Clerk of the Court using the ECF system and has been served on all counsel of record who are deemed to have consented to electronic service via the court's CM/ECF system.

/s/ B. Russell Horton  
B. Russell Horton